

Electronically filed

Address to: Mail Stop: RCE P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket	GHDX-005
	Confirmation No.	5745
	First Named Inventor	Baker, Joffre B.
	Application Number	10/714,195
	Filing Date	November 14, 2003
	Group Art Unit	1634
	Examiner Name	SHAW, AMANDA MARIE
	Title	"Gene Expression Profiling of EGFR Positive Cancer"

SECOND DECLARATION OF STEVE SHAK, M.D. UNDER 37 C.F.R. §1.132

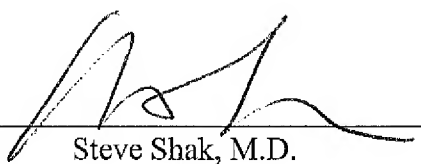
I, Steve Shak, M.D. declare as follows:

1. I am currently the Chief Medical Officer at Genomic Health, Inc., Redwood City, CA, 94063.
2. I am also an inventor of the above-identified application.
3. I previously executed a declaration on December 2, 2009, and submitted Exhibit B, which is a graph showing the LAMC2 mRNA level of each of the 23 patients discussed in the application at Example 2. The patients were grouped into either non-partial responders ("No PR") or partial responders ("Yes PR"). Each circle in Exhibit B represents a patient.
4. I understand that the Examiner observed only 21 circles in Exhibit B, and therefore alleged that 2 patients were unaccounted for.
5. I enclose a second graph based on the same data set as the previously submitted graph that individually shows the LAMC2 level for each patient without grouping the patients into "No PR" and "Yes PR." Instead, patients who were non-partial responders are indicated with an open circle, and patients who were partial responders are indicated with a filled circle. *See* Exhibit 1.
6. From Exhibit 1, the LAMC2 expression levels in some patients appear to be identical or nearly

identical to each other and therefore, I believe that the previously submitted graph may have appeared to show less than 23 circles.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Date: 5/24/2010

By: 
Steve Shak, M.D.